



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Barry J. Marshall, et al.

Serial No.: 09/977,874

Filed: October 15, 2001

For: Composition For The Detection Of
Gastrointestinal Disorders

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EXAMINER: Unknown

Art Unit: 1632

Confirmation No. 3775

Our Account No. 04-1403

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Letter

Commissioner for Patents
U.S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

The attached Information Disclosure Statement includes five references, French Patents 5.877M and 2442268, German Patent No. 867426, Japanese Patent No. 58077663, and European Patent No. 0721989, for which no English translations are within the possession, custody, or control of, or are readily available to any individual designated to C.F.R. §1.56(c). It is respectfully submitted that the relevance of these references to the present application may be understood from the figures included in the references. In addition, English translations of the Abstract of German Patent No. 867426 and Japanese Patent No. 58077663 have been obtained, copies of which are included in the accompanying Information Disclosure Statement.

Respectfully submitted,

DORITY & MANNING, P.A.

Date


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE STATEMENT

1632
#7
11/20/02

Application of: Barry J. Marshall, et al.
Serial No.: 09/977,874
Filed: October 15, 2001
Confirmation No.: 3775

Attorney Docket No.: BAL-106 (17349)
Date: November 13, 2002
Art Unit: 1632
Our Account No.: 04-1403

Title: Composition for the Detection of Gastrointestinal Disorders

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Commissioner for Patents
U.S. Patent and Trademark Office
Washington, D.C. 20231

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Sir:

The following is an Information Disclosure Statement for the captioned patent application, pursuant to 37 CFR Sections 1.56, 1.97, and 1.98.

1. ☒ Attached hereto is:

- a. ☒ A list of materials for consideration per Rule 98(a)(1): 3 page(s)
- b. ☒ A legible copy of each patent, publication, or other item listed per Rule 98(1)(2), unless not required per Rule 98(c) and/or (d) and as indicated on the attached list(s):
94 item(s)
- c. ☐ For each non-English language item listed, pursuant to Rule 98(a)(3), a concise explanation of the relevance thereof as it is presently understood by the individual designated in Rule 56(c) most knowledgeable about the content of such items: _____

☐ Such explanation is provided in the Search Report from a corresponding application enclosed herewith along with any enclosed translation into English.

2. ☒ This Information Disclosure Statement is being filed [CHECK ONE]:

- a. ☒ WITHIN THREE MONTHS of the application filing date or national stage date of entry OR BEFORE the mailing date of a first Office Action on the merits, which ever event occurs last, WHEREFORE per Rule 97(b) NO filing fee or Rule 97(e) certificate is required.
- b. ☐ AFTER the time periods of section 2.a above, but BEFORE a Final Action, Notice of Allowance OR an action that otherwise closes prosecution, WHEREFORE PER Rule 97(c) submitted herewith is [CHECK ONE]:
- i. ☐ Certification per Rule 97(e); OR
- ii. ☐ Filing Fee per Rule 17(p)\$180.00
- c. ☐ AFTER a Final Action OR Notice of Allowance, but BEFORE payment of the issue fee, WHEREFORE per Rule 97(d) submitted herewith is:
- i. Certification per Rule 97(e); AND
- ii. Filing fee per Rule 17(p)\$180.00

3. ☐ Rule 97(e) Certification; per Rule 97(e), the undersigned certifying party make the following certification statement [CHECK ONE]:

- a. ☐ That each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement; OR
- b. ☐ That no item of information contained in this Information Disclosure Statement was first cited in a foreign patent office in a counterpart foreign application and to the knowledge of the undersigned after making a reasonable inquiry, was known to any individual designated in Rule 56(c) more than three months prior to the filing of this statement.

CERTIFYING PARTY (if different from bottom signature; omission here indicates that certification is being made by signer per signature below).

Name: _____
Address: _____

Signature: _____
Date: _____

4.[X] DEPOSIT ACCOUNT AUTHORIZATION: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any fees in addition to the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (deficiency only) now or hereafter relative to this application and the resulting official document under Rule 20, or credit any overpayment, to our Account No. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This statement does not authorize charge of the issue fee in this case.

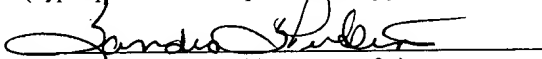
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Date: April 28, 2003